

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

REBECCA GARDNER,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

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CIV. ACT. NO. 1:22-cv-450-TFM-C

**ORDER**

Pending before the Court is the *Joint Stipulation for Dismissal* (Doc. 38, filed 2/6/24) in which the parties jointly agree to dismiss all claims with prejudice. The Rules of Civil Procedure permit a plaintiff to voluntarily dismiss the action without an order of the court “by filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment” or “a stipulation signed by all parties who have appeared.” FED. R. CIV. P. 41(a)(1)(A).

Here, the joint stipulation is signed by both sides. Consequently, by operation of Fed. R. Civ. P. 41(a)(1)(A)(ii), this action has been dismissed in accordance with the joint notice. Therefore, this case is dismissed with prejudice with each party to bear their own attorneys’ fees and costs.

The Clerk of the Court is **DIRECTED** to close this case.

**DONE** and **ORDERED** this 29th day of February, 2024.

/s/ Terry F. Moorner  
TERRY F. MOORER  
UNITED STATES DISTRICT JUDGE